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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,794

07/18/2005

Mohamed Abdel Aziz Rashed

14223.11

8707

21999 7590 10/03/2008

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EXAMINER

CHRISS, JENNIFER A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,794	<b>Applicant(s)</b> RASHED, MOHAMED ABDEL AZIZ	
	<b>Examiner</b> JENNIFER A. CHRISS	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 – 7, 9 – 10, 13, 18 – 25, 28 – 31 and 33 – 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 – 7, 9 – 10, 13, 18 – 25, 28 – 31 and 33 – 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed November 2, 2007 and July 2, 2008, have been entered and have been carefully considered. Claims 1, 8, 11 – 12, 14 – 17, 26 – 27 and 32 are cancelled, claims 2 – 7, 9 – 10, 13, 18 – 20, 24, 28 – 30 and 33 are currently amended, claims 35 – 36 are added and claims 2 – 7, 9 – 10, 13, 18 – 25, 28 – 31 and 33 – 36 are pending. In view of Applicant's amendments to the claims, the Examiner withdrawn and revised the previously applied rejections below. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

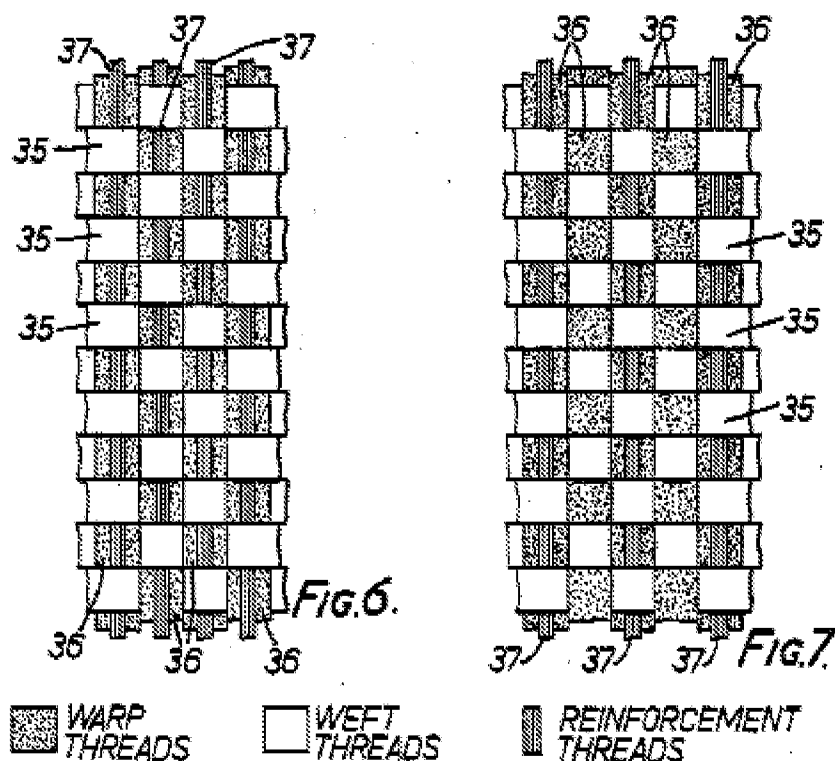
### ***Claim Rejections - 35 USC § 102***

3. Claims 13, 18 – 23, 33 and 35 – 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Futerman (US 4,362,199).

Futerman is directed to a flexible container (Title) to flexible bags for the transportation of particulate material in bulk such as powders, pellets, granules, flakes, etc. (column 1, lines 5 - 15).

As to claim 13, Futerman teaches a base fabric woven from polyolefin tape yarn (column 2, lines 20 – 35).

As to claims 18 – 20 and 35 - 36, Futerman teaches a base fabric woven from polyolefin tape yarn (column 2, lines 20 – 35). As shown in the figure below adapted from Figures 6 and 7 of Futerman, the tapes indicated by 35 are equated to the “first set of tapes generally parallel to each other” and the tapes indicated by 36 are equated to the “second set of tapes generally parallel to each other”. Futerman teaches that the material may be woven in basket weave form or twill form (column 6, lines 50 – 60); it should be noted that this meets the limitation of crossed-over at least two and cross-under of at least one. Futerman teaches in the figure reinforcement threads which are equated to Applicant’s “reinforcing threads or tapes”. It should be noted that they are grouped with some of the tapes of the scrim and are in a substantially parallel side-by-side abutting relationship with the scrim tape. It should be noted that other polyolefin tape yarn could be in the place of the reinforcement yarns so it can be asserted that the reinforcing threads replace some of the tapes.



As to claim 21, Futerman teaches that the reinforced areas can be immediately adjacent to the selvedge if desired (column 3, lines 49 – 55).

As to claim 22, Futerman teaches that the reinforcing yarns can comprise polyolefin (column 7, lines 25 – 35).

As to claim 23, Futerman teaches that the reinforcing yarns can comprise polyester (column 2, lines 20 – 30).

As to claim 33, Futerman teaches that the fabric can be used in a flexible container for transportation of particulate material in bulk such as powders, pellets, granules and flakes (column 1, lines 5 – 10). The Examiner equates this purpose to an “industrial fabric” or “construction fabric”.

***Claim Rejections - 35 USC § 103***

4. Claims 2 – 7 and 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199).

As to claims 2 – 7, Futerman teaches that the fabric can be woven in any suitable weave including twill, basket, ribbed or plain (column 2, lines 1 – 10). Futerman fails to teach specific basket and twill patterns comprising a crossing-over of two and crossing-under of two as required by claim 2, a crossing-over of three and crossing-under of three as required by claim 3, a crossing-over of four and crossing-under of four as required by claim 4, a crossing-over of three and crossing-under of one as required by claim 5, a crossing-over of one and crossing-under of two and crossing-over of two and crossing-under of one as required by claim 6 and crossing-over of one and crossing-under of three and crossing-under of one as required by claim 7. It would have been obvious to one of ordinary skill in the art to use the specific configurations as claimed by Applicant motivated by the desire to customize the fabric based on the specifications of the final product.

As to claims 9 – 10, Futerman fails to teach that the tape width is in the range of 1 – 10 mm and the thickness is in the range of 0.02 – 0.1 mm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the width and the thickness since it has been held that, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The burden is upon the Applicant to demonstrate that the

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claimed width and thickness is critical and has unexpected results. In the present invention, one would have been motivated to optimize the width and thickness motivated by the desire to create a fabric with optimal strength and flexibility based on the desired end use.

5. Claims 24 - 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199) in view of Arthurs et al. (US 2002/0129864 A1).

Futerman teach the claimed invention above but fail to teach that the woven scrim is laminated on one or both sides thereof with a waterproof thermoplastic film as required by claim 24, specifically that the film is a polyolefin resin as required by claim 25 and that the fabric of claim 24 is used as an industrial fabric, tarpaulin, landfill cover, construction fabric or agricultural fabric as required by claim 34.

Arthurs et al. is directed to a fabric with reduced electrostatic discharge energy suitable for flexible fabric containers [0005]. Arthurs et al. teach a fabric woven of non-conductive tapes, to which a plurality of conductive staple fibers are woven into or coated onto the fabric at a spacing of from 3 mm to 100 mm [0015]. Arthurs et al. teach that the fabric may be coated to improve content retention and moisture exclusion properties. Arthurs et al. teach that the coating may comprise 73.5% polypropylene and 19% low density polyethylene polymer [0044]; the Examiner equates the coating to Applicant's film. It should be noted that the fabric of Arthur et al. can be equated to an industrial fabric.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a polyolefin film layer to the woven fabric of Futerman as suggested by Arthurs et al. motivated by the desire to create a fabric container having improved content retention and moisture exclusion to protect the contents of the container.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199) in view of Prader (US 4,421,805).

Futerman disclose the claimed invention above but fail to teach that the woven scrim material is provided with a layer of slip-resistant material on one or both sides.

Prader discloses a shipping sack comprising an envelope of plastic film having at least one surface at least partially coated with a thin layer of slip-resistant polyamide (Abstract). Prader notes that the object of the invention is provide a configuration which is resistant to ordinary slippage during handling, stacking or transportation (column 1, lines 20 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a slip-resistant coating as suggested by Prader as the coating on the woven fabric of Futerman motivated by the desire to create an industrial fabric which is resistant to ordinary slippage during use.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199) in view of Derby (US 4,833,008).



Futerman teach the claimed invention above but fail to teach that the woven fabric is laminated on at least one side thereof to a metalized film as required by claim 29.

Derby is directed to fabrics used in the construction of containers for storing and/or transporting granular or powder materials, as well as in the construction of shelter for goods, equipment, people, and the like (column 1, lines 10 – 25). Derby, discloses a metalized fabric comprised of a woven plastic base fabric laminated to a metalized plastic film, where the plastic film is preferably an extruded polypropylene film (column 2, lines 28 – 55). Derby notes that the metalized plastic film protects the woven fabric from the harmful effects of sunlight or other radiation (column 3, lines 10 – 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a metallized film to the woven container of Futerman motivated by the desire to create a container which provides protection from the harmful effects of sunlight to its contents.

8. Claims 30 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futerman (US 4,362,199) in view of Pappas et al. (US 5,478,154).

Futerman teach the claimed invention above but fail to teach that the woven scrim is laminated on one or both sides with a water-absorbent material as required by claim 30, specifically a paper as required by claim 31.

Pappas et al. is directed to a flexible intermediate bulk container made of a woven fabric (Abstract). Pappas et al. teach that the flexible intermediate bulk

containers are used to transport finely divided solids such as cement, fertilizer, salt, sugar and barite as well as virtually any type of finely divided solids. Pappas et al. note that an antistatic coating may be applied to cover the entire surface of the flexible fabric container or a portion of the surface as depicted in FIG. 4. Antistatic coatings are laminates or coverings of thermoplastic or other materials, such as paper, over fabrics or fabric components that disperse potential localized energetic static charges over the surface and allow for controlled discharge of the charges (column 5, lines 5 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use attach a paper layer to the woven container of Futerman as suggested by Pappas et al. motivated by the desire to create a bulk container having anti-static properties.

### ***Response to Arguments***

9. Applicant's arguments filed November 2, 2007 have been fully considered but they are not persuasive.

Applicant argues that Futerman teaches that the reinforcing yarns are woven into the fabric by being placed atop warp threads while Applicant's claims as amended require "side-by-side abutting relationship" between the reinforcing tapes and the scrim tapes. As noted above, Futerman teaches reinforcing yarns which are grouped with some of the tapes of the scrim and are in a substantially parallel side-by-side abutting relationship with the scrim tape. It should be noted that reinforcing yarns atop warp threads are still parallel and in a side-by-side relationship with the scrim tape as a side of the reinforcing yarn touches a side of a scrim tape. The Examiner suggests that the

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Applicant further describe the relationship between the reinforcing yarns and the scrim tapes in the claim language.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. CHRISS whose telephone number is (571)272-7783. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 6 p.m., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/  
Examiner, Art Unit 1794

/J. A. C./  
Examiner, Art Unit 1794